

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DENNIS EARL DORSEY, JR.,)
) CASE NO. C12-2258-JCC-MAT
Plaintiff,)
)
v.) ORDER DENYING PLAINTIFF'S
) THIRD REQUEST FOR
DR. DAVID FLEMING, et al.,) APPOINTMENT OF COUNSEL
)
Defendants.)
_____)

This matter comes before the Court on plaintiff's third request for appointment of counsel. The first two requests were denied on March 7, 2013. (Dkt. 15) The Court, having reviewed plaintiff's third request for appointment of counsel and the balance of the record, does hereby find and ORDER as follows:

(1) Plaintiff's third request for appointment of counsel (Dkt. 48) is DENIED. There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d

01 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of
02 exceptional circumstances requires an evaluation of both the likelihood of success on the merits
03 and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the
04 legal issues involved. *Wilborn*, 789 F.2d at 1331.

05 Plaintiff has neither demonstrated a likelihood of success on the merits nor shown that,
06 in light of the complexity of the legal issues involved, he is unable to articulate his claims *pro*
07 *se*. Thus, plaintiff has not demonstrated that this case involves exceptional circumstances
08 which warrant appointment of counsel at the present time.

09 (2) As is the case with several other recently filed motions, plaintiff has failed to
10 serve a copy of this motion on opposing counsel and to include a Certificate of Service with this
11 motion. *See* Civil Rule of Federal Procedure 5(b)(1) and (2). Plaintiff is advised, once again,
12 that all filings with this Court must be served on opposing counsel via first-class mail, and a
13 certificate declaring that service has been accomplished must be attached. Any future motions
14 that plaintiff files that does not comply with this rule will be stricken.

15 (3) The Clerk shall direct copies of this Order to plaintiff and to the Honorable John
16 C. Coughenour.

17 DATED this 18th day of June, 2013.

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20 Mary Alice Theiler
21 United States Magistrate Judge
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